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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,638	06/15/2001	Michael Robert Lablanc	RD-29,246	2226
7590	06/01/2005		EXAMINER	
CHRISTOPHER L. BERNARD, PLLC 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211			STERRETT, JONATHAN G	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,638

Applicant(s)

LABLANC ET AL.

Examiner

Jonathan G. Sterrett

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Summary

1. Claims 1-31 are pending in the application. The instant application deals with a system for managing new product introductions. More specifically, the invention deals with the tracking of various project management constructs used to ensure a phase gate approach to product development. The application of a system to enable project management tools that are applied to various product development practices enables a global approach to product development management. In this system, workers are notified of their involvement regarding activities in a product development project and the system monitors and communicates status of the project simultaneously to the workers.

Claim Objections

2. Claims 1-31 objected to because of the following informalities: The claims should be labeled as such. E.g. 'Claim 1', 'Claim 2'. The use of brackets and a lowercase 'c' followed by a number is objected to. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 12, 18 and 26** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding **Claim 12**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

6. Regarding **Claims 18 & 26**, a system is claimed comprising a planning module, a processor and a communications network. The processor as described does not operate to execute the planning module. Because a system is claimed and yet the structure between the processor and planning module is not defined, this renders the claims indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1, 2, 5-7, 10 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by **McGrath** as disclosed in the following documents:

McGrath, Michael; Iansiti, Marco, "Envisioning IT-Enabled Innovation", Dec 1998, PRTM Insight Magazine, pp.1-11, www.prtm.com/insight/article.asp?insight_id=2737, hereafter referred to as **Reference U1**.

Regarding **Claim 1**, McGrath discloses:

creating the project using a globally-accessible system;

Reference U1 Page 5 paragraph 7 line 1-3, a project planner can select the steps and automatically build a project plan.

Reference U1 page 7 paragraph 4 line 1-2, systems to manage the innovation, ie, the product development and new product introduction process, are web based. The use of intranets or the internet to manage the innovation process means that the innovation system is globally accessible and that projects are created by using a globally-accessible system.

creating a plurality of tollgates, activities, and tasks associated with the project using the globally-accessible system;

Reference U1 Page 5 paragraph 8 line 5, milestones are created in the system, whether they are milestones in a phase gate process or milestones related to individual functional steps.

Reference U1 Paragraph 7 line 1-3, steps, i.e. activities, are used to build main parts of a project overview – paragraph 9 line 2-3, steps are broken down into the lowest level of resolution which are tasks in MSProject™.

Reference U1 Page 6 Paragraph 1 line 6, tasks are used in project schedules.

selecting a plurality of individuals to perform the plurality of activities and tasks;

Reference U1 Page 6 paragraph 1 line 4-6, individuals are selected to perform the plurality of activities and tasks through automatic assignment of action items into their personal scheduling applications.

notifying the plurality of individuals which of the plurality of activities and tasks each has been selected to perform using the globally-accessible system;

Reference U1 Page 6 paragraph 2 line 1-2, system notifies plurality of individuals to perform specific tasks to which they have been selected.

collecting status information related to the plurality of tollgates, activities, and tasks from the plurality of individuals using the globally-accessible system;

Reference U1 Page 6 paragraph 2 line 4-6, the automated monitoring of the plurality of tollgates, activities and tasks from the plurality of individuals includes collecting status information of said tollgates, activities and tasks to determine if project boundaries and scope were being exceeded.

communicating the status of the plurality of tollgates, activities, and tasks to the plurality of individuals using the globally-accessible system; and

Reference U1 Page 5 paragraph 10 line 4-7, an integrated project management system communicates the status of the plurality of tollages, activities and tasks to the plurality of individuals by continuously tracking the status and warning of potential problems.

monitoring the progress of the project using the globally-accessible system.

Reference U1 Page 10 paragraph 3 line 1-4, project progress is automatically monitored with respect to phase and step cycle times, performance to objectives and resource utilization.

Regarding **Claim 2**, McGrath teaches:

wherein the globally-accessible system further comprises a globally-distributed computer network

Reference U1 page 7 paragraph 4 line 1-2, systems to manage the innovation, ie, the product development and new product introduction process, are web based. The Internet is a globally distributed computer network.

Regarding **Claim 5**, McGrath discloses:

a planning module operable for acquiring information related to the plurality of tollgates, activities, and tasks from the plurality of individuals,

Reference U1 Page 5 paragraph 9 line 1-5, MSProject™ scheduling tools acquires lower level planning information from individuals. This planning information is integrated with higher level planning information that contains steps (large groups of functionally related information) and phase information.

manipulating the information related to the plurality of tollgates, activities, and tasks,

Reference U1 Page 6 paragraph 1 line 3-4, information is manipulated through the extraction of action items for individuals from project schedules.

and communicating the information related to the plurality of tollgates, activities, and tasks to the plurality of individuals.

Reference U1 Page 6 paragraph 1 line 5-6, action items are communicated to the plurality of individuals through placing the items in individuals' calendars or personal scheduling applications.

Regarding **Claim 6**, McGrath discloses:

notifying the plurality of individuals which of the plurality of activities and tasks each has been selected to perform using Email.

Reference U1 Page 6 paragraph 1 line 7-9, system can automatically notify through emails individuals of items on project schedules which need to be completed.

Regarding **Claim 7**, McGrath discloses:

collecting at least one of work descriptions,

Reference U1 Page 5 paragraph 6 line 5-6, guidelines for each step are work descriptions of the activities in that step.

Reference U1 Page 5 paragraph 6 line 2, the guidelines are collected into standard libraries that form the basis for automation and reuse of work descriptions.

percent completion, expected start/completion dates, actual start/completion dates,

Reference U1 Page 5 paragraph 3 line 3-4, individual tasks are scheduled (using Microsoft Project™) and the completion of each task is tracked. This includes the expected start/completion dates and actual start/completion dates, as is provided by MS Project™.

Regarding **Claim 10**, McGrath discloses:

wherein the project is a new product introduction project.

Reference U1 Page 1 paragraph 6 line 5, PRTM is discussing current product development process management. Projects discussed by PRTM include projects which are new product introduction projects.

Regarding **Claim 26**, McGrath discloses all the limitations above, except for:

Storing the information related to the plurality of tollgates, activities and tasks.

Reference U1 Page 8 paragraph 4 line 5, expert project management systems will update the project data into a database upon completion. The project data includes information related to the plurality of tollgates, activities and tasks.

Claims 11, 12, 15-19, 22, 23, 25, 27, 30 and 31 recite similar limitations as those recited in **Claims 1, 2, 5-7, 10 and 26** above, and are therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 3, 4, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McGrath** in view of IDe's **IDweb™** Software as disclosed in the following documents:

Lavallee, Ryan, "IDe's IDweb™ Software supports PMI® PMBOK® Standards", copyright 2000 Integrated Development Enterprise, pp.1-6,
<http://www.ide.com/pdfs/PMBOK.pdf>, hereafter referred to as **Reference U2**.

IDE.com website, "IDe: Welcome to IDe", March 4, 2000, pp.1-2,
web.archive.org/web/20000304014944/www.ide.com/homepage.asp, hereafter referred to as **Reference W1**.

PRTM Press Release, "IDe Introduces Executive Team to Lead Revolution to Web-Enable Product Development", February 28, 2000, pp.1-2,
www.prtm.com/pressreleases/2000/02.28.asp, hereafter referred to as **Reference X1**.

Business Wire, "Consultants PRTM and Software Company IDe Launch Global Alliance to Web-enable Product Development in High Tech Industry", March 13, 2000, p0206, hereafter referred to as **Reference V2**.

Business Wire, "Accelerating Innovation Processes to Web Speed is Theme of Worldwide Seminar Series", March 30, 2000, hereafter referred to as **Reference W2**.

Business Wire, "Ide's Idweb 2.2 Enables Management of Strategic Product Development Projects with Increased Planning and Management Functionality, May 8, 2000, p1465, hereafter referred to as **Reference X2**.

Regarding **Claim 3**, McGrath teaches all the limitations of Claim 1 above, but does not teach:

wherein the globally-accessible system further comprises a local area network (LAN).

The examiner takes Official Notice that software that runs on a network, where said network is the internet, can also run on a LAN. A local area network makes distributed applications possible so that a plurality of users can access the same software applications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McGrath, regarding IT enabled innovation, to include where the globally-accessible system comprises a LAN, because it would improve a company's product development process by making the software available to a plurality of users over a LAN.

Regarding **Claim 4**, McGrath teaches all the limitations of Claim 1 above, but does not teach:

wherein the globally-accessible system further comprises a wide area network (WAN).

IDe teaches:

wherein the globally-accessible system further comprises a wide area network (WAN).

Reference U2 page 1 paragraph 3 line 3-4, IDweb is network-based development chain management software where the network is the Internet. The internet is a type of wide-area-network (WAN).

Both IDe and McGrath address applying best-practices to the product development arena, so both are analogous art.

IDe teaches the use of its software helps companies improve their product development process (Reference U2 page 1 paragraph 3 line 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McGrath, regarding IT enabled innovation, to include where the globally-accessible system comprises a WAN, as taught by IDe, because it would help companies improve their product development process.

Regarding **Claim 8**, McGrath teaches all the limitations of Claim 1 above, but does not teach:

communicating the status of the plurality of tollgates, activities, and tasks to the plurality of individuals simultaneously.

IDe teaches:

communicating the status of the plurality of tollgates, activities, and tasks to the plurality of individuals simultaneously.

Reference U2 Page 5 paragraph 2 line 1-5, the development team has simultaneous access to status information regarding the status of tollgates, activities and tasks. This is achieved through the internet-based IDeWeb application.

Both IDe and McGrath address applying best-practices to the product development arena, so both are analogous art.

IDe teaches the use of its software helps companies improve their product development process (Reference U2 page 1 paragraph 3 line 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McGrath, regarding IT enabled innovation, to include communicating the status of the plurality of tollgates, activities, and tasks to the plurality of individuals simultaneously, as taught by IDe, because it would help companies improve their product development process.

Regarding **Claim 9**, McGrath and IDe teach all the limitations of Claim 8 above, and McGrath also teaches:

communicating the status of the plurality of tollgates, activities, and tasks to the plurality of individuals using a plurality of color-coded visual aids.

Page 5 paragraph 9 line 3, detailed workplans for each step (and therefore for all phases, since PRTM methodology teaches product development phases, steps and tasks) are created in MS Project™. It is inherent in MS Project™ that it provides for color-coding of project status for communication. MS Project™ allows for customization of various display elements in conveying project management information including status of various aspects of a project. This customization allows for a viewer to distinguish between various elements that convey project status information, e.g. Gantt charts.

Claims 13, 14, 20, 21, 24, 28 and 29 recite similar limitations as those recited in **Claims 3, 4, 8 and 9** above, and are therefore rejected under the same rationale.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6282514 by Kumashiro discloses a device which provides Gantt charts for project management.

US 6542871 by Harshaw discloses a method for new product development and market introduction.

US 6581040 by Wright discloses a project specific communications and method to improve project management communication.

US 6862585 by Planalp discloses a system and method for management product development in a consumer packaged goods arena.

US 6871182 by Winnard discloses a system for management of engineering change information.

US 5208765 by Turnbull discloses a computer-based method for product development.

US 2001/0032105 by Frye discloses a method and system for new product introduction into a business.

US 2002/0059512 by Desjardins discloses a method and system for managing an IT project.

US 2002/0165744 by Juras discloses a process for product development.

US 5864875 by Van Huben discloses data management system for problems, releases and parts.

US 5767848 by Matsuaki discloses a system for supporting development of new products.

US 2003/0033191 by Davies discloses a method and apparatus for product lifecycle management.

US 2002/0052862 by Scott discloses a method for supply chain product and process development collaboration.

Eslampour, Bob; O'Donnell, Stephen; "Five Ways of Making Multi-Geographical Teams Work", Dec 1996, PRTM Insight Magazine, pp.1-3, www.prtm.com/insight/article.asp?insight_id=1622, discusses the application of geographically distributed teams in product development.

Egger, Fritz P; Kleiner, Brian H: "New developments in product scheduling", Work Study, v41n3, pp.17-19 discusses new techniques for project scheduling.

Business Wire, "Development Chain Management –DCM- to revolutionize Strategic Product Development", March 6, 2000, discusses IDe's new software offering to manage the product development process.

PR Newswire, "IDe Receives \$12 million second-round Funding to Support Product Development Chain Management", April 7, 2000, p2065, discusses IDe's software to manage product development.

Business Wire, "PMG and IDe Launch Pioneering Performance Measurement Initiative for Web-enabled Product Development", May 1, 2000, p1587, discusses the online performance metrics available to companies pursuing product development activities.

Business Wire, "Chain Management (DCM) software. Idweb manages and improves investment", March 6, 2000, discusses how Idweb provides management of aspects of product development processes.

Deck, Mark; Givert, Didier; Strom, Mark; "The Increasing Role of Deep Collaboration in Development – Strategy, Produces and Processes are Converging into Customer-Driven Value Chains", Spring 2000, PRTM's Insight Magazine, pp.1-2.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 5-21-2005


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